

**COMMITTEE FOR THE HIGH DESERT** 100,232

P.O. BOX 2863 BOISE, IDAHO 83701
208-429-1679 www.highdeserts.org

May 12, 2003

Bureau of Land Management-Rock Springs Field Office
Attn: Renee Dana, Project Leader
280 Highway 191 North
Rock Springs, Wyoming 82901

Dear Ms. Dana:

Committee for the High Desert (CHD) would like to comment on the proposed oil and gas well drilling in the Jack Morrow Hills. CHD believes that this project should be halted immediately. Your office needs to protect this land and the wildlife in the area, and not destroy the land for a project that will forever leave its mark on the landscape. Your office needs to protect special status species such as sage grouse and pygmy rabbit, both of these species have been petitioned for Listing under the ESA. The BLM must estimate impacts on the remaining populations of pygmy rabbit in all of Wyoming.

CHD believes that your proposed plan needs to be revised. The "Citizen's Wildlife and Wildlands Alternative" is a plan that your office should consider. It will leave the land unmarked, and provide critical habitat.

The Wyoming BLM has not fully analyzed the impacts of this project. Some of the impacts include habitat fragmentation, loss of habitat for wildlife, increased roading in the area, and the construction of permanent structures. The BLM needs to assess the cumulative impacts of ponds and other energy infrastructure on extending the harmful impacts of livestock grazing.

CHD also feels that the BLM needs to better address the cumulative impacts of livestock grazing and other disturbances on the affected land. Your office must also assess harmful impacts of noise pollution on wildlife and recreational uses of the affected lands.

Finally, CHD believes that the BLM needs to address the impacts to soil and water. The proposed decision must better assess the increased soil erosion and runoff. Your office also must better assess the impacts to aquifer depletion.

Thank you for taking the time to consider our comments on this proposed decision.

Sincerely,

Hilarie Engle
Committee for the High Desert
PO Box 2863
Boise, Idaho 83701
(208)429-1679



100% Recycled

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Dennis J. Brabec
6041 South Walnut Street
Casper, Wyoming 82601
May 14, 2003

Ms. Renee Dana, Team Leader, Rock Springs Field Office
Bureau of Land Management
280 Highway 191 North
Rock Springs, Wyoming 82901

Re: Jack Morrow Hills Coordinated Activity Plan/Draft Green River Resource
Management Plan Amendment, Sweetwater County, Wyoming

Dear Ms Dana:

Thank you for the opportunity to submit comments concerning the Jack Morrow Hills Supplemental EIS. The area has been undergoing analysis for additional oil and gas exploration and production for several years. The analysis has been a combination of scientific, political, emotional, factual and out right lies. Attempts to shift public opinion are being made by "citizens groups" with television advertisements (ever wonder where they obtained the funding), public comment meetings (including a meeting in Lander when some presenters were not given their **legal right** to present their views without vocal and abusive opposition from the audience) and submission of comment letters. The comment period has been taken from a opportunity for the public to express their views on the subject and to ensure all aspects of the project to be undertaken are duly considered to a quasi-referendum and a contest to see which side can garner the most letters to shift the decision to their point of view.

Points of Fact:

1. The Jack Morrow Hills area is an **area of multiple use** with a Wilderness Study Areas, potential national monuments at Boars Tusk, Historic Trails, Sand Dunes and Tri-Territory. The area has the probability of Archeological and Paleontological resources. Sensitive species are found in the area. The elk (a plains animal) have been transported into the area in the early 1950's and have thrived to exceed the herd size objectives. Wild horses exceed the range capacity for the herd numbers. Ranching and Grazing is permitted and includes privately owned lands within the area. Mining has occurred on the lands. Recreation occurs in hunting and to a limited extent camping (usually connected with hunting) and hiking. Over 150 wells have been drilled in the area in gas and oil exploration and production.
2. The employment and financial benefits to the area, State and Nation are well documented and must be considered in any decision.

3. The lands have been managed as multiple use in the past and are still considered to be pristine.
4. The proposed action to continue to include oil and gas exploration and production is a **temporary** use of the surface to extract the minerals and the lands impacted will be restored to the original status upon completion of the activities and production.
5. The area under analysis consists of 622,300 acres or 972 sections of primarily federally managed lands. The anticipated use by the minerals industry is estimated to be 5 sections (prior to rehabilitation and reclamation) or 1/2 of 1% of the total land area. The Wilderness Study Areas consisting of 117,000 acres and 30,000 acres in the Steamboat Mountain Area are not available for surface occupancy.
6. The federally managed lands and the federally managed mineral resources belong to all of the people of the United States. The BLM is responsible for the management of the resources for the people and are required to abide by the regulations and authorizations imposed by Congress in their decision making process.

Points of Concern:

1. The demand for natural gas is increasing and the productive supply is decreasing-2002 to 2003 by a projected 2.5 % per year. The Rocky Mountain Region is anticipated to be the primary new source of production to reduce the anticipated shortage. The other area is the Gulf of Mexico. Additional sources of supply are in the future, however they also have concerns:
 - a. LNG is 4 years in the future projected to produce 5-10% of the supply, however security is a major concern as well as lead times for construction of the vessels for transporting the gas and construction of the shipping and receiving facilities.
 - b. The building of a natural gas pipeline from Alaska will require from 4 to 8 years to complete the permitting process and construct the pipeline.
 - c. Development of alternative sources of energy is undergoing, however the time required bringing a method into an economically viable source has not been established.
 - d. Conservation will be necessary to make the resource extend longer, however the only way this will be imposed on the people is by raising the price of the commodity-then they will turn the furnace thermostats down, however we may be causing undue hardship on lower income people.

Based on the above facts and concerns leasing, exploration and production of the area must be allowed to proceed, however some of the proposals included in the preferred alternative should be revised.

1. Implementation of an adaptive management and monitoring process with respect to developing reasonable performance-based standards rather than prescriptive

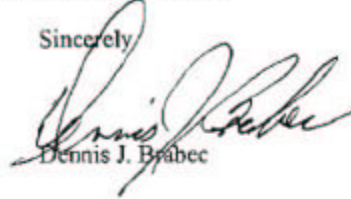
mitigation to encourage innovation to deal with changing conditions and new technology.

2. The permitting process requires site-specific monitoring and attempting to accomplish this task prior to leasing will increase the time for issuing leases and adding more delay to the already long overdue leasing.
3. Staged leasing is not preferable to developing companies, because it does not allow them to develop a block of land for exploration and justifying the economic risks taken by the exploring company.
4. The proposal for additional wilderness study areas or "citizen's" (read special interest group) proposals for considerations of wilderness study areas needs to be removed from the EIS due to the Department of Interior and State of Utah settlement.
5. The wild horse herd and management of the herd unit boundaries should remain the same and the population of the herd should not be expanded. The other resource users of forage must be included in herd size.
6. The elk population of the Steamboat elk herd is estimated to be at 1,800 to 2,000 with an objective of 500 recently increased to 1,200. Consideration of other forage users must be made based on scientific evidence of forage in the management area can support any additional increase in the herd number objective.
7. A balance between environmental protection and the other multiple uses has been proven with the past use of the area as a multiple use area including grazing and oil and gas exploration and development. The elk herd has flourished and the area is considered to be pristine by most people.
8. The requirement of view-shed protection of National Historic Trails is ¼ mile or visual horizon whichever is less as established by the GRRMP. Imposing a 3-mile limit exceeds the requirement of the existing GRRMP.
9. Increased recreational use of the area may have a negative impact. The BLM will need to analyze the recreational impacts and provide management prescriptions to maintain the multiple use balance for the area.
10. The BLM will need to adopt reasonable and prudent mitigation measures for proposed listing of threatened endangered species, bearing in mind the species are not listed, but proposed or under consideration.
11. The use of geophysical exploration will have minimal impact on the area and will reduce exploration efforts and impacts by providing additional information to reduce exploratory drilling. The BLM has existing regulations providing guidance and requires site-specific mitigation/operating plan to be in place prior to the commencement of activities concerning Geophysical exploration, which ensure virtually no impact occurs.

The potential benefits from proceeding with leasing, exploring and producing the mineral resources from the area are substantial for the local economy, the State and Country. The area has the potential to supply gas and oil to meet the energy demands of the country. With the abundance of protection measures in place and mitigation measures the impact on other resource values will be minimum. I support the proposal to allow the leasing.

exploration and production of the oil and gas resources in the Jack Morrow Hills area and the continued multiple use of the area to include grazing and recreation.

Sincerely

A handwritten signature in black ink, appearing to read "Dennis J. Brabec". The signature is fluid and cursive, with a large initial "D" and "B".

Dennis J. Brabec

100,258

GROUSE INC.

Renee Dana
Jack Morrow Hills CAP Team Leader
Bureau of Land Management
280 Highway 191 North
Rock Springs, WY 82901

16 May 2003

**Re: Comments on the SDEIS for the Jack Morrow Hills Coordinated Activity
Plan/Draft Green River Resource Management Plan Amendment**

Dear Ms. Dana:

The attachment to this letter references the portions of the SDEIS for the Jack Morrow Hills CAP that concern sage-grouse, provides a critique of the material presented and proposed protection of sage-grouse, and offers recommendations for monitoring and mitigation for incorporation in the final Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan/Green River Resource Management Plan Amendment. In preparing this analysis I have closely reviewed the 2 Volume set of documents that comprise the SDEIS dated January 2003.

The enclosed comments and recommendations are based on my 25+ years of experience with sage-grouse assessment and management. I have authored or coauthored over 200 technical and solicited review papers on birds and their habitats, especially grouse including sage-grouse. I directed research and management activities for sage-grouse in Colorado from 1973 through 1999. During this period I was the research advisor for 15 M.S. and Ph.D. studies specifically on sage-grouse. My professional experience includes 30 years with the Colorado Division of Wildlife conducting and directing research and management studies on birds. I also have worked with the Montana Game and Fish Department and the USDA Soil Conservation Service in Kansas and Montana. I am a Certified Wildlife Biologist and have served several professional societies as President, elected Representative, Editor, and other positions.

Respectfully,

Clait E. Braun, Ph.D.
Grouse Inc.
5572 No. Ventana Vista Rd.
Tucson, AZ 85750-7204
sg-wtp@juno.com

16 May 2003

COMMENTS: SAGE-GROUSE ISSUES
SUPPLEMENTAL DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR THE BLM'S JACK MORROW HILLS
COORDINATED ACTIVITY PLAN/DRAFT GREEN RIVER
RESOURCE MANAGEMENT PLAN AMENDMENT

PREPARED BY

Clait E. Braun
GROUSE INC.
Tucson, AZ
520-529-0365
sg-wtp@juno.com

Overview: Sage-grouse and the Jack Morrow Hills CAP SDEIS

In reviewing and thinking about the Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan, I was tremendously disappointed as sage-grouse were poorly covered. The present SDEIS is not acceptable for sage-grouse as it poorly represents the present knowledge and importance of sage-grouse as an indicator species for sagebrush steppe health. The SDEIS contains no plan for monitoring the impacts of leasing, exploration, and developing of mineral rights on sage-grouse and the preferred alternative is a mix of pieces from several alternatives, which are all too vague to really understand what will be done. Clearly the Jack Morrow Hills area has been extremely important to sage-grouse as Robert Patterson chose part of this area for his pioneering and classic early studies on sage-grouse. Nowhere is this importance mentioned and an inexperienced person could conclude the area is just another piece of sagebrush steppe. Nothing could be further from the truth as this was/is the heart of the sage-grouse range in Wyoming! Further, the proposed mitigation does not meet even minimal scientific standards. This is about as unprofessional treatment of the sage-grouse issue that I have seen in 30 years of work.

Adequacy of the Sage-grouse Data

The data presented on sage-grouse in the SDEIS inadequately represent what is known. Patterson (1952) studied sage-grouse in the area near Farson including portions of the Jack Morrow Hills Coordinated Activity Plan (JMHCAP) area. Thus, there is some history of sage-grouse counts and other data from as early as the late 1940's for this area. Further, Heath et al. (1997) conducted research on sage-grouse in portions of this area and Lyon (2000) investigated sage-grouse populations to the northwest near Pinedale. While the latter 2 studies are cited, there is no mention of Patterson's earlier work. Patterson's work indicates the sage-grouse population in this immediate area was large in the late 1940's and early 1950's. Recent work (2003) by the Wyoming Game and Fish Department suggests a 90% decline (from 3,100 + males counted in 1949 on 42 leks to 310 + males on 9 leks in 2003) in numbers of males counted in this area when compared to the findings of Patterson (1952). This is greater than for the overall decreases reported by Connelly and Braun (1997) for the entire range of sage-grouse.

In reviewing the maps (Volume 2), most of the available data that are presented are those on location of leks. There is only general knowledge about sage-grouse seasonal habitat use areas outside of the lek locations. These general data are not sufficiently precise for meaningful use, especially for winter and nesting habitat. What follows is an assessment of existing sage-grouse data for the JMHCAP -- and recommendations for monitoring -- for the four key habitat types used by sage-grouse (winter use areas, leks, nesting habitat, and brood rearing areas):

1. *Winter*—Maps showing the location of sage-grouse winter use areas in the JMHCAP area are too general for use and incorrectly suggest (Table 2-2) that only very small areas of winter habitat occur. Focus should immediately be placed on locating and mapping sage-grouse winter-use areas throughout the JMHCAP area. This should have the highest priority, as over winter survival is critical to population

maintenance. Maps should be prepared for both "average" or "normal" winters and severe winters which happen every 7-10 years (Hupp and Braun 1989). Once these areas are located and mapped; they should be described using standard measures for live sagebrush canopy cover, height, etc. following the approach of Connelly et al. (2000). Once identified, these areas should receive special attention (for example, designation as "Areas of Critical Environmental Concern") to reduce or prevent disturbance during winter, wild fire, and management activities that make them less useful to sage-grouse. Special attention should be given to any disturbance that reduces amount of live sagebrush, leaf surface, canopy cover, and height.

2. Leks--The available data (Vol. 2, maps) for leks suggest that not all active lek sites have been located and that the status (active, inactive [< 2 years, > 2 years]) of each site mapped is poorly known. The long-term trend in numbers of cocks is known to be markedly down. No mention is made of this information and it should be included. Since active sage-grouse leks are relatively easy to locate during late March and April, standard surveys of all areas within the project area should be conducted in April 2004 and continuing at 3-year intervals. All known lek sites should be checked for activity in spring 2004. Those classified as active should be counted (number of cocks) 3-4 times each spring at 7-10 day intervals starting in late March-early April, depending upon weather conditions, and continuing into early May. Those classified as inactive should be checked in late April/early May every 2-3 years to ascertain any change in status. UTM (or GIS) coordinates for all lek sites should be taken and plotted on base maps.
3. Nesting--Adequate data on areas used for sage-grouse nesting in the JMHCAP area does not exist outside of unpublished, preliminary reports. Because sage-grouse have been shown to nest at a variety of distances from active leks and use a variety of micro sites for nest placement, it is difficult to identify all nesting areas. Thus, the Connelly et al. (2000) Guidelines should be followed to offer some protection to habitats useful for nesting at distances up to 3 miles from active leks. Since most actual nesting occurs within this distance (Braun et al. 1977) (with some nests at much greater distances), it is most reasonable to depict nesting habitat as all sagebrush areas with $> 10\%$ live canopy cover of sagebrush (primarily *A. tridentata* vaseyana, *A. t. wyomingensis*, *A. nova*, and *A. cana* depending upon location) and a healthy understory of native grasses and forbs. Since active lek sites can be located, identifying concentric areas within a three-mile radius around each lek site that will include most nesting sites is presently the only reasonable method to map and protect potential nesting areas.
4. Brood-rearing--Broods, upon hatching, use areas close to the locations of successful nests and progressively move towards moist areas upon desiccation of vegetation in the uplands. No data are presented to suggest even general knowledge of where broods have been observed. These data appear to not have been mapped in relation to known sources of water (at ground level) or at riparian sites along streams, springs, etc. This should be done so that additional management consideration can be given to these areas.

Management that should be in place includes movement of livestock to avoid degradation of plant communities in moist sites and riparian areas and fencing to allow livestock access to water only in sites where erosion and plant community degradation would not be expected or could be controlled. Early brood survival is believed to be a problem throughout Wyoming (WGFD Draft Greater Sage Grouse Conservation Plan). Early brood survival is most affected by insect and succulent forb availability within secure (good hiding cover provided by grasses and forbs) habitats (Connelly et al. 2000). Late brood rearing habitat is primarily in close proximity (< 1 mile) of sites with moisture and succulent forbs adjacent to escape cover provided by live sagebrush (Connelly et al. 2000).

Jack Morrow Hills Area Sage-grouse Population and Habitat Trends

No data are presented to conclusively demonstrate the health of the sage-grouse population(s) and trends in quality of the available habitats. The long-term trend in number of sage-grouse counted in this area in spring is markedly down. In addition to the already substantial coal, oil, and gas development impacts, there are the additive effects of livestock grazing, power line and road placement, ranch building placement, and management treatments of sagebrush steppe areas to improve forage for livestock. All of these factors (and many more) have cumulative effects on ecosystem health and trends in numbers of all animals that are dependent upon the sagebrush steppe. Teasing apart the specific impacts is not possible without replicated studies. What is clear is that continuing practices presently in place will not improve conditions for or knowledge about local populations of sage-grouse. They will only lead to continued decline in health of the sagebrush habitat and in the distribution (the area of useful habitat is decreasing) and abundance of sage-grouse.

Long-term monitoring efforts (20-30 years at the minimum) and research studies to tease apart impacts of mineral development and other multiple use activities are critically needed in the JMHCAP area. These efforts should focus on public lands (and include immediately adjacent private and State lands) and be funded by Federal land management agencies and the mineral industry. The cumulative effects of all human-induced practices in the sagebrush steppe on sage-grouse need to be fully evaluated and studied.

Jack Morrow Hills CAP Area Sage-grouse Management

Review of the SDEIS for the Jack Morrow Hills area indicates the BLM has consistently ignored and plans to continue to ignore sage-grouse needs and the scientific literature upon which developed guidelines (Braun et al. 1977, Connelly et al. 2000) to maintain sage-grouse populations are based. Most seriously, the BLM has chosen 0.25-mile or 0.50-mile distances from active leks for avoidance of or restrictions on development even though the scientific literature indicates there should be no manipulation of sagebrush habitats within 2 miles of active leks (Connelly et al. 2000). *The 0.25-mile or 0.50-mile restrictions seem to have been created to justify existing practices and are not based on any reputable science.* The BLM's own analysis (see Pinedale Anticline Project Draft EIS 1999: 5-34 as an example) reports that, "of leks with at least one well within a 0.25-

mile radius, four times as many are inactive than active" and that "more than three times as many leks with at least one oil or gas well within a 0.50-mile radius are inactive". Oil and gas well site development as well as development of roads, power lines, etc. all cause manipulation of habitat and reduction in area useable to sage-grouse. Further, BLM's SDEIS documents for the Jack Morrow Hills CAP indicate, "exceptions [for any restrictions] may be granted if the activity will occur in unsuitable [nesting = breeding] habitat". Defining "unsuitable" appears to be left to the discretion of constantly changing project personnel.

As part of its mitigation guidelines and standard practices for surface disturbing activities, the Wyoming BLM has imposed a restriction on activity within 0.25 miles of leks during the 6:00 PM to 9:00 AM interval from 1 February through 15 May, which has been extended through 31 July (to benefit nesting females) within 2 miles of leks (Appendix 4). These dates provide minimal mitigation during the breeding and nesting periods as there is little monitoring of adherence to these restrictions and those in place can be modified. In actual practice, there is little protection from physical disturbance of habitats useful to sage-grouse nesting outside of the scientifically unsupported 0.25 or 0.50-mile radius from active leks. Most critically, there is little recognition of the importance of sage-grouse winter use habitat or any stipulations (except to restrict surface activities in "defined" game bird winter concentration areas from 15 November to 30 April [Appendix 5] to help protect these habitats. The BLM also fails to adequately address the cumulative effects on sage-grouse of all treatments (not limited to mineral developments). It is well known that construction of roads and oil/gas wells/facilities within $\frac{1}{4}$ or $\frac{1}{2}$ miles of active leks (even at farther distances if visible or noise can be heard from the activity at the lek site) during the nonbreeding season may and usually will result in lek abandonment (Braun et al. 2002). These impacts can be immediate and are cumulative.

Nowhere is there mention of the possible negative effects of seismic or other mineral exploration activities. It appears the BLM has avoided recognition of short-term effects of trails, crushing of vegetation, and direct and indirect impacts to sage-grouse from use of large vehicles involved in these activities. Unfortunately, there apparently have been no studies on the immediate impacts of seismic or other mineral exploration activities. Until demonstrated otherwise, these activities should be considered as factors that are negative for sagebrush habitats as they provide trails for increased predator access, they fragment habitats useful to sage-grouse, they decrease live sagebrush and forbs needed by sage-grouse, and could potentially disrupt breeding activities and nesting activities. BLM should require the mineral industry to fund well-designed scientific research on the effects of seismic and other mineral exploration activities on sage-grouse and their habitats as part of the final EIS for JMHCAP.

Mitigation Measures To Protect Sage-Grouse

Present mitigation measures to protect sage-grouse and their habitats presented in the SDEIS documents for the JMHCAP area are minimal. Adequate protection measures for sage-grouse and their habitats are not provided in any of the alternatives considered. The

BLM should endorse and follow the "*Guidelines to manage sage grouse populations and their habitats*" (Connelly et al. 2000). Consideration should also be given to following the concluding comments of Braun et al. (2002) that strongly recommend that it is the responsibility of the oil and gas (mineral) industry to demonstrate their activities have no negative impacts initially, short-term, or over the long-term. Effective mitigation practices, in addition to those in the *Guidelines* (Connelly et al. 2000), include permanent and seasonal road closures, burial and or modification of power lines, removal or modifications of fences and other structures, fertilization of sage-grouse winter ranges with nitrogen, and reduction or complete permanent elimination of other uses such as livestock grazing, especially on areas where mineral production is permitted. Mitigation should also consider those impacts that can be reasonably expected including cumulative (with other factors) effects. Full mitigation would require increasing the number (on a per unit basis) of sage-grouse in non-affected areas to equal the reduction in numbers of sage-grouse in affected areas. Research on developing methodology to enhance sagebrush habitats (to support higher densities of sage-grouse) should also be productive.

To further mitigate the impacts from the significant mineral developments that may occur in the JMHCA area, the BLM should also designate, as part of the final EIS, multiple Areas of Critical Environmental Concern (ACECs) to protect at least 90% of sage-grouse winter use areas. The boundaries of these areas should follow the results of Recommendation # 1 (Winter) on page 2. These areas will be critical to maintaining population persistence over time.

Sage-grouse Monitoring Requirements

At present, the SDEIS neglects mention of the importance of monitoring the health of the sage-grouse population and its habitat. Assessment of the long-term effects of mineral leasing and development on sage-grouse and the health of the sagebrush steppe should be based on collection and analysis of population information in spring, collection and analysis of harvest information, and numbers of birds counted in selected winter habitat. Sage-grouse population statistics collected in spring are those related to number of active leks per unit of area and total number of cocks counted on a sample of randomly selected, statistically defensible accessible leks. Harvest data collection should focus on analysis of wings for changes in ratios of chicks/hen and males to females in both adult (including yearlings if not separable) and chick age classes. Once winter use areas are identified, standardized line transects should be established and annually sampled (using aircraft) following current sampling theory to estimate number of birds present. Sampling should occur immediately following fresh snowfall or during maximum snow accumulation. Changes in vegetation "quality" should be monitored at 3-5 year intervals at a statistically valid sampling rate along permanent 0.6-mile belt transects. Measurements desired include live sagebrush canopy cover, sagebrush height, and ground cover of native grasses and forbs. (This should also include measurement of residual grass height.) Modeling of the potential effects of environmental events such as drought (measured by the Palmer Drought Index) and severe winters (length of period of snow cover, depth of snow, temperature) should also be pursued.

Long-term Effects On Jack Morrow Hills CAP Area Sage Grouse Populations

The importance of sustained, long-term monitoring cannot be overstated. It is clear that mineral development will negatively affect sage-grouse populations (Braun 1998, Braun et al. 2002) and only the magnitude of the impacts is unknown. Lyon (2000) reached similar conclusions for the effects of gas and oil developments on sage-grouse in the Pinedale, Wyoming area. The mineral industry should fund the monitoring and long-term research needed throughout the life of their projects and the final EIS should make this a specific requirement in any new mineral development projects. This critical monitoring should continue until sage-grouse populations return to pre-disturbance levels, which could exceed 30 years. The industry has the responsibility to demonstrate their activities have no negative impacts initially, short-term, or over the long-term on the distribution and abundance of sage-grouse in areas explored and developed for mineral production.

Adaptive Management

The SDEIS (Appendix 17) proposes to use adaptive management "to remove existing lease suspensions.... and in some cases, allow new leases." Coupled with the intent to use 0.25-mile restrictions around sage-grouse leks, it is conceivable that as the sage-grouse population continues to decline (already down ~90% from late 1940's levels) as a result of the 0.25-mile minimal restriction for surface disturbance, former important habitats for sage-grouse will be leased for mineral exploration. Thus, in this case, **adaptive management is a prescription for extirpation of local sage-grouse populations**. If no sage-grouse use can be documented (because of inadequate habitat protection), all areas will eventually be opened to leasing under the adaptive management scenario. This is improper use of adaptive management (Walters 1986, Lancia et al. 1996)

Conclusion: Key Recommendations for the Jack Morrow Hills CAP SDEIS

Mitigation Measures:

1. **The BLM should adopt a policy of no surface disturbance within 3 miles of occupied leks** as data clearly show negative impacts to sage-grouse at the present distance of 0.25 or 0.50 miles. Further, adequate data are available to demonstrate that most female sage-grouse nest within 3 miles of active leks.
2. All areas used by sage-grouse during both average or "normal" and severe winters should be located, mapped, and given full protection from wild fire, manipulation of sagebrush, and human-induced disturbance. At least 90% of this newly mapped area should be designated as a network of ACECs as part of the final EIS for the JMHCAP.
3. Adherence to time of use for restriction of activities from 6:00 PM through 9:00 AM during the breeding and nesting periods should be strictly monitored and enforced.

4. Management of mid to late summer brood-rearing areas should encourage forb regrowth while maintaining at least a 6 inch residual grass height with taller (> 24 inches in height), live sagebrush of > 15 % canopy cover in close (< 200 yds) proximity for use as escape cover.
5. Mitigation should be emphasized for all activities known to negatively impact sage-grouse. Mitigation measures could include, but are not limited to: burial or modification of power lines, off set (directional) drilling, road closures and time restrictions, removal of livestock grazing, nitrogen fertilization of winter and nesting areas, removal or modification of existing fences, etc. Full mitigation would be to replace the exact number of sage-grouse impacted by development activities by increasing the number per unit of area that the remaining areas can support to equal the number displaced.

Monitoring Requirements:

1. Standardized line transects in identified winter use areas should be established and annually sampled (using aircraft) following current sampling theory to estimate changes in numbers of birds present. Sampling should immediately follow fresh snowfall or during maximum snow accumulation.
2. Standard surveys of all areas to locate active leks should be conducted in spring 2004 and continue at 3-year intervals. This will provide data on lek extinction and recruitment.
3. All potential mid to late summer brood-rearing areas should be mapped based on moisture and green forb availability during the late June through late August interval. Management of mid to late summer brood-rearing areas should encourage forb regrowth while maintaining at least a 6-inch residual grass height with taller (> 24 inches in height), live sagebrush of > 15 % canopy cover in close (< 200 yards) proximity for use as escape cover.
4. Leks classified as active should be counted (number of cocks present) 3-4 times each spring at 7-10 day intervals starting in late March-early April and continuing into mid May. Those leks classified as inactive should be checked in late April/early May every 2-3 years to ascertain change in status.
5. The vegetation in areas used by sage-grouse during both average and severe winters should be described as to live sagebrush canopy cover, height, etc.
6. Harvest data based on examination of sage-grouse wings collected from hunters should continue on a well-defined population basis. Statistics needed to measure responses of sage-grouse are those relating to nest success, chicks per hen, and age/gender composition.
7. Research should be initiated to learn if monitoring of insect abundance and forb growth will reliably predict sage-grouse chick survival.

8. Adaptive management should be implemented to enhance sage-grouse numbers and distribution. For example, management experiments could be used near the formerly active sage-grouse lek sites documented by Patterson (1952) to enhance conditions for sage-grouse. As progress was demonstrated, techniques used could then be improved and applied to other areas where sage-grouse numbers as measured by lek activity have decreased.

Analysis and Other Management Issues:

1. Habitat guidelines published by Connelly et al. (2000) should be incorporated into preparation of a "desired future condition" to be achieved to improve nest success and early chick sage-grouse survival.
2. Replicated long-term studies are urgently needed to understand the effects of grazing practices and habitat fragmentation on predator numbers and predation rates on sage-grouse. These studies must involve treatments and controls on a landscape basis.
3. Nesting areas, since they are difficult to locate at a population or subpopulation scale, should be defined as all area within 3 miles of active leks. This will provide a minimum amount of protection.
4. Early chick survival has been identified as a problem in Wyoming. Enhancing the forb and grass component in nesting areas (which are also early brood rearing sites) should be a priority.
5. The cumulative impacts of all human-induced activities within a given, describable sage-grouse population unit should be studied over a period sufficiently long (20-30 years) to be able to predict actual long- and short-term effects. When industry is involved in causing the impacts, they should be expected to fully support, financially, all studies as they have the burden to demonstrate their activities are not negative to sage-grouse.
6. Well-designed research on the immediate and short-term effects of seismic and other mineral exploration activities on sage-grouse and their habitats should be funded and undertaken.

Literature Cited

- Braun, C. E. 1998. Sage grouse declines in western North America: what are the problems? *Proceedings of the Western Association of State Fish and Wildlife Agencies* 78: 139-156.
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100,295

May 19, 2003

Dear Bureau of Land Management,
Enclosed is the hard copy
of the e-mail I sent you today
regarding the Supplemental Draft
E.I.S. for the Jack Morrow Hills.

If you have any further questions,
please call me. My phone
number is [REDACTED]

Please do not share my phone
number and do not make it public.

Sincerely,
Anne Newcomb

P.O. Box 308
6285 Heck of a Hill Road
Wilson, WY 83014
May 16, 2003

Jack Morrow Hills CAP Team Leader
Bureau of Land Management, Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901
To Whom It May Concern:

"The nation behaves well if it treats resources
as assets which it must turn over to the next
generation increased, and not impaired
in value." -Theodore Roosevelt
(quoted in the March, 2003 issue of Smithsonian Magazine)

You probably love the Red Desert as much as the rest of us. It is one of the most beloved places in Wyoming because people know it as wild and free, which is what our state is known for. Probably our children and grandchildren will love it too, if we leave it for them. So let's leave as much as we possibly can, and what we must use, please use as sparingly and carefully as you can possibly manage.

Please leave the Jack Morrow Hills Wilderness Study Area as wilderness. If you must drill, then slant drill around the edges and observe all the precautions you mention in your Supplemental Draft Impact Statement.

In Volume 1, page 2-145, in your preferred alternative, please omit, COA's "would allow necessary impacts in order for development to be technically feasible or economically viable." Such a caveat destroys any hope of reasonable regulation. It's not our problem to make drilling or mining "economically feasible". It's the companies' problem to restore our resources to as good or better condition than they found them. And if that's not economically nor technically feasible, then they should look for other forms of energy. These resources belong to the citizens of the United States and are beloved to the citizens of Wyoming.

Like the song says, "It ain't what you take with you, it's what you leave behind."
That's how our grandchildren will judge us.

Respectfully,


Anne Newcomb

cc: Gale Norton, Secretary, The U.S. Department of the Interior

100,327

05.21.03

Renee Dana
US Department of the Interior
Bureau of Land Management
Rock Springs District Office
80 Highway 191 North
Rock Springs, Wyoming 82901

RE: Supplemental Draft EIS - Jack Morrow Hills Study Area (JMH)

Dear Renee:

You will undoubtedly not have the time to read each of the thousands of comments you will receive on the above-mentioned topic. I will personally deliver this letter to you in my hope that you will read mine. I don't consider my comments any more important or significant than any other citizen but I still hold out hope that you will read mine and seriously consider my concerns. I list only the three concerns I feel most important.

1. **Cumulative impact in the JHM has not been sufficiently considered.** As a patriot I am vitally interested in the management of American public lands. Accordingly, I have commented on over a hundred EAs and EISs. One pervasive quality worries me greatly. Each EA or EIS divides the proposed impacts into seemingly insignificant or barely significant impacts and rarely if ever, has any agency considered the sum of the impacts over time and space. For example, the BLM has never addressed, to my knowledge or satisfaction, the total amount of surface area disturbed in the district through the years to roads, power lines, pipelines, building construction, infrastructure development and recreation development. Without a comprehensive cumulative impact analysis, we find ourselves in a position of not knowing enough to make good decisions because we can't grasp the total impacts.
2. **The decrease in carrying capacity in the JHM has not been adequately addressed.** With each surface disturbance the carrying capacity of the land decreases. I have not seen in this EIS a discussion of what that impact would be, where it would occur and when it would occur, what alternatives the BLM might consider to mitigate that impact and whether wildlife or livestock numbers would be reduced as a result.
3. **The scientific values in the JHM have not been satisfactorily measured.** As my comments above may lead you to conclude, I am also very concerned about losing scientific values before we even know what we might have lost. For example, this area in my opinion has not been adequately researched to know all of the ecosystem components and processes. Without knowing what is there, we are in danger of losing ecosystem components and processes without even knowing that we lost something.

CONCLUSION

I support the citizen's Wildlife and Wildlands Alternative as the most conservative alternative to protecting what I value.

Sincerely,


Craig Thompson
809 Rose Crown Circle
Rock Springs, WY 82901



GENE R. GEORGE & ASSOCIATES, INC.
Petroleum Geology, Engineering, Hydrogeology, Regulatory Permitting

100,332

111 West Second Street, Suite #400
PO Box 2775
Rock Springs, WY 82602

Phone: 307-265-9199
Fax: 307-473-7138
Web: www.ggo-inc.com

May 21, 2003

Renee Dana, Team Leader
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

RE: COMMENTS FOR SUPPLEMENTAL DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR THE JACK MORROW HILLS
COORDINATED ACTIVITY PLAN/DRAFT GREEN RIVER
MANAGEMENT PLAN AMENDMENT

Dear Ms. Dana:

The following comments are made on behalf of Yates Petroleum Corporation (Yates) of Artesia, New Mexico with offices in Gillette and Rock Springs, Wyoming. Yates operates a substantial oil and gas leasehold in Wyoming. Yates is the operator for over 60,000 acres in the Jack Morrow Hills CAP study area. Yates appreciates the opportunity to make comments of substance on the referenced document.

First, Yates strongly objects to the phased leasing and development portions of the Preferred Alternative. The Bureau of Land Management (BLM) has been analyzing this area of the Green River Basin for over 10 years since the beginning of the Green River Resource Area RMP revision (1997) process. All but the 80,000 acres of the "Core Area" were analyzed allowing for oil and gas leasing and drilling in that RMP revision. Now, the area has been re-analyzed and studied in the original Draft EIS CAP and in the current Supplemental Draft EIS CAP. The decision to proceed with leasing and drilling and/or development is further postponed until the IDT BLM team monitors ("about 2 years") and makes further analysis on which to base their decisions. There seems to be a great reluctance to make a decision simply because the special interest groups are waging a public campaign to prohibit oil and gas activity in an area that has had oil and gas activity for 50 years and is approximately 50 percent leased now. There are currently 153 total wells that have been drilled in the JMH area and the special interest groups still want to preserve this "pristine" area. The wildlife is flourishing and no degradation of any resource has occurred because of the current mitigations that BLM places on drilling in this area.

Yates believes that the Preferred Alternative should allow for oil and gas leasing (excluding the WSA's and similar areas) throughout the entire JMH area and that

Yates Petroleum Corporation Comments

1

OVER 30 YEARS OF PROFESSIONAL INTEGRITY

currently suspended leases should be brought out of suspense at the operator's request when a sufficient lease block has been assembled to create a reasonable drilling block or prospect. The BLM would conduct a site-specific EA (as is done now) for the APD submitted by an operator. The lease stipulations and the conditions of approval (COA) used currently have been proven to protect all resources. (After all, the special interest groups want to keep this area with 153 wells drilled in it, just as it is.) This current NEPA analysis in the JMH CAP EIS and RMP Modification would have sufficient protections for any specific resources such as Native American sites, etc. If the wildcat well is successful, then 2 to 3 confirmation wells would be allowed, each having its own site specific EA with cumulative impacts analyses. If the confirmation wells are successful, a full-blown EIS would be required for full-field development. At this point, cumulative impacts analyses would take into account all activity in and adjacent to the JMH CAP area. Mitigations would be developed on a local and regional (air quality) basis. All resources would be fully protected and the oil and gas resource would be recovered to support the American People and the American Economy.

Under the current Preferred Alternative, there is an assumption that by a new "adaptive management process" the area could be further analyzed beyond what has already taken place over the past many years. How can an area be analyzed without a Proposed Action? BLM has already identified and catalogued the areas of "crucial winter range, calving/fawning, migration corridors, etc." (Page 2-66). Since long-term surface disturbing activities and "disruptive activity", etc. would be precluded, what would the BLM monitor and evaluate (for about 2 years) to determine if these activities would result in "irreversible adverse effects"? Yates finds it very difficult to evaluate the results of such circular reasoning. Yates believes that an adaptive management process should be applied when a development program has been analyzed under the NEPA process and that the monitoring specific to the proposed action analyzed suggests that some adaptive actions are needed.

Staged leasing makes it impossible for an oil and gas company to plan or budget for a drilling project. If it is not known when a leasing or drilling opportunity will become available, how can funds be allocated for any specific exploratory effort? Since the areas of crucial winter range, calving/fawning areas as well as WSAs are already known, CSUs and NSOs as well as other COAs can be applied to the lease to be auctioned and sold. How can leasing be monitored to determine if it would cause an "irreversible adverse effect"? In fact, 43 CFR Part 3100 Section 3103.4-4 states that a suspension of operations or of production may be directed only in cases where the lessee is prevented from operating on the lease or producing from the lease, despite the exercise of due diligence, by reason of force majeure, that is, matters beyond the control of the lessee.

Both phased leasing and phased development by pre-activity monitoring are unnecessary to fully protect all resources in the JMH area. The current lease

stipulations, COAs and the NEPA process give the BLM the mechanism to analyze and mitigate impacts from any proposed action. Any decision as to whether one company or the other is to receive approval to proceed will have to be arbitrary and capricious. All valid and current lease rights must remain protected in order to avoid a taking situation.

CHAPTER 2

Page 2-73 2.7.1.7 Wildlife Habitat Management, These **new** plans should only be required where the species of interest is known to exist or is found during an onsite visit.

Page 2-74 Greater Sage-Grouse leks, The RMP states that a 1/4 mile avoidance of a lek would apply not a 1/4 to 1/2 mile avoidance area.

Page 2-75 Mountain Plover, The mountain plover survey requirements are being studied by the USFWS and may be changed from the March 2002 guidelines. This reference here and elsewhere should state "according to current USFWS guidelines".

Page 2-79 Geophysical Activities, These activities are permitted within 1/4 mile of historic trails not 1/2 mile. These activities rarely leave any trace of their presence after one growing season. These activities help select the prospective areas thus eliminating other areas from any disturbance.

Page 2-81 2.7.5 Mineral and Alternative Resource Management, Clearly states that all management actions would recognize valid existing rights which would not include establishing a lease block at the whim of the IDT team.

Page 2-81 2.7.5.1 Leasable Fluid Minerals Management, Of course the entire area would not be leased because of the WSAs, etc.; but how can the BLM arbitrarily decide where the exploration would occur and then where the development would occur?

Page 2-82 If population trends would happen to go down, say based on drought or an increase in predators, would oil and gas activity be banned until those conditions changed? How would BLM account for drainage demands by the RMG when they allow production through abandonment and reclamation before allowing offset development to occur? Drilling, development and production as well as reclamation could take from 20 to 50 years.

Page 2-83 Lease Stipulations, No surface occupancy will not work for exploratory wells when the potential is as yet unknown and, thus, the economics are unknown. BLM seems to have the impression that directional drilling can be accomplished under any scenario where another resource must be protected. Directional drilling is always risky in that it always costs more and the chance of mechanical failure is increased and could render the gas resource uneconomic. Pad or directional drilling works, in general, for very short distances (less than 660') and where there is a specific pay zone. In the single pay zone situation, the zone can be entered at any angle; but in multiple-zone completions like at Jonah, the pay zones must be entered vertically and, therefore, a "dog leg" is created which increases the risk of getting the pipe stuck and losing the entire hole even after setting casing.

Page 2-83 Drilling Permits, It should be noted that a NEPA analysis is required for every Drilling Permit. In a development case, an EIS would be required to develop site-specific mitigations to the unique resources in the area affected by the well. Trying to monitor prior to drilling only allows the analysis of natural or other man-made phenomenon that are unrelated to the drilling and production impacts. Oil and Gas lessees cannot be held responsible for droughts and changes in predator populations.

Page 2-86 2.7.6 Visual Resource Management VRM Class III areas, What is a Red Desert Watershed?

Page 2-88 National Historic Trail Viewshed, There is no CFR Law or statute that requires protection of a 3-mile viewshed along a National Historic Trail. I am a member of OCTA and I do not know of any such request from that group either.

Page 2-97 Monitoring Plan Preferred Alternative, When does input from stakeholders and other Publics occur?

Page 2-113 Habitat Management Plan, Who generates this plan? If it is the operator, it should only be where the species of interest is known to exist or is located during the on-site visit.

Page 2-114 Special Status Species, Preferred Alternative, Again, all an operator should have to do is check with the appropriate agency to determine if the species is present. A search is not necessary unless the species or their habitats are known to exist.

Page 2-116 Sage Grouse Preferred Alternative, Remove the 1/2 mile and leave the 1/4 mile avoidance area around lek.

Page 2-133 Rights of Way, What is a ROW exclusion and avoidance area? Does this mean that if you were actually able to find a gas well that you may not get permission to lay a pipeline to market?

Page 2-142 Oil and Gas Leases Preferred Alternative, Would it take 2 years before the IDT team determines if any leases will come out of suspension?

Page 2-145 Lease Stipulations Preferred Alternative, Yates takes this to mean that the IDT team would prohibit oil and gas activity and or leasing if weather, drought, disease, hunting pressure, introduction of non-native species and recreation were to be given preference by the IDT team.

Page 2-150 Mineral Material Sales Preferred Alternative, Where does the 1/2 mile from a lek avoidance keep coming from?

Page 2-164 Table 20-2, This table is almost unreadable.

Page 2-168, There appears to be no total in several categories.

Page 2-212 Cumulative Impacts Economic Growth, See attached letter from Steve Jenkins explaining that the economic impact is statistically significant. Mr. Jenkins has a Master's Degree from Penn State in Economic Planning.

CHAPTER 3

Page 3-6 2nd paragraph, the Green River does not cross the JMH study area.

Page 3-18 3.1.6.2.2 Greater Sage Grouse, States that a questionnaire from hunters of sage grouse indicates a gradual decline in the population. Might I dare suggest stop shooting them and see if the population trend reverses?

Page 3.9 Socioeconomics, See attached letter from Steve Jenkins.

Chapter 4

Page 4-121 4.8.1 Potential Impacts on Leasable Fluid Minerals, Oil and Gas, Chapter 3, Section 2 (b) of the Wyoming Oil and Gas Conservation Commission is as follows:

(b) Any gas wells drilled in the area described as Township 12 North through Township 28 North and Range 89 West through Range 121 West shall be located in the center of a one hundred-sixty (160) acre subdivision, or lot or tract or combination of lots or tracts substantially equivalent thereto, not closer than one thousand one hundred-twenty feet (1,120') to the exterior boundaries of the quarter section. All areas subject to existing orders for drilling and spacing units in the above described area shall be exempt from the aforesaid gas well location requirements. Further, this rule is vacated for all federal exploratory units in the above described area provided that no gas well will be drilled closer than one thousand one hundred-twenty feet (1,120') to the exterior boundaries of the unit nor to any uncommitted acreage within the unit. Upon unit contraction, lands deleted from the unit shall thereafter be subject to this rule.

The discussion concerning exploratory and development spacing in the planning area appears to be in error. All wells for gas including CBM wells will be drilled on 160 density or 4 wells per section. This applies to wildcat wells also. If wider or lesser spacing is desired, the oil and gas operator will have to receive permission by application from the WOGCC.

In addition, the section only speaks of production from Nitchie Gulch field and existing gas production in the area as 145.4 billion cubic feet of gas. Yates is surprised that the Wyoming Geological Survey Open File Report 2002-1 dated March 2002 was not listed in the references in Volume 2 (other than the RFD). The 3.9 trillion cubic feet of currently technically recoverable gas estimate in the Geological Survey's publication is also not mentioned. The assumption that only 24.3 BCF remaining in producing wells is impacted is entirely without basis. The Geological Survey also estimates \$1.88 billion in revenues for the State of Wyoming from this production. The impact of this Wyoming Geological Survey Open File must be evaluated in the final EIS.

All new mitigations and land withdrawals will significantly reduce the revenues received by the Federal and State governments as well as the local counties. The incremental cost of directional drilling, phased development and increased stipulations and controls reduces the total exploratory and drilling budget of the oil and gas operators resulting in: higher costs, fewer wells drilled, less reserves produced and less benefits to the economy. The 3.9 trillion cubic feet of gas predicted in the JMH area will heat all of Wyoming's current residences for 487 years (based on 2000 US Census Bureau figures).

Volume 2

Page F-12 and F-13 Figures 17 and 18 both need to be adjusted by the Wyoming Geological Survey Open File Report 2002-1 3.8 TCF gas and the \$1.88 billion dollars of income to the State.

Map 49 Preferred Alternative Rights-of-Way Limitations, Does the lighter grey area labeled avoidance areas mean that gas pipelines or roads could not be constructed in these areas? If so, how would a successful gas well get the gas to market? Comparing this map with Map 55 shows that many presently held leases could not have pipelines from wells producing on their leases. Even roads to the wildcat wells might be restricted. How would this all work?

Map 65 Existing Roads shows that this area is hardly pristine. It should also be noted that these roads are not the result of oil and gas activity.

Page A13-13, Wyoming Geological Survey Report, My copy of the Open File Report 2002-1 says 3935 BCF gas and 535 MBO potential under current technology. The gas numbers differ in the referenced paragraph.

Appendix 17, Preliminary Adaptive Management Implementation Strategy, Bottom Paragraph, first page A17-1. Using the two-mile area around the nesting of sage grouse is a great example. Studies have been ongoing for two years at Pinedale and 2 miles is fine. What will the IDT team be able to do that everyone else cannot do? The Wyoming Sage Grouse Working Group has met and is proposing restrictions based on the best science available. How will the IDT team be able to improve on that work?

Page A17-2, Where is the goal to meet the Presidents Energy Policy?
Page A17-3, I have a copy of 43 CFR 3103.4-4 and it does not mention using suspensions as part of an adaptive management strategy. Will operators wait until the IDT meets once a year to review indicators to see if they can proceed with exploration?

Page A17-7, What does it mean that consideration will be given to those occurrences outside of BLM's control such as drought, politics, etc. If there is a ten-year drought, will oil and gas drilling be allowed?

Appendix 18, Based on the settlement with the Department of the Interior and the State of Utah, it is necessary for BLM to remove any references to newly proposed wilderness areas.

Yates Petroleum Corporation is grateful for the opportunity to make these comments. Yates believes that a Preferred Alternative that follows the NEPA process and uses the proven successful conditions of approval and lease stipulations is necessary. Creating monitoring before allowing oil and gas activity is establishing baseline which has been done by this document and the Green

River RMP. Ten wells per year for 20 years is hardly a significant impact. There are already 153 wells that have been drilled in the JMH study area and the special interest groups want to preserve the area just as the oil and gas industry left it, in wonderful, beautiful shape.

Respectfully Submitted,



Gene R. George, Wyoming Regulatory Issues Agent for Yates Petroleum Corporation

Attachment

Copy: Honorable Mike Enzi; Honorable Craig Thomas; Honorable Barbara Cubin; Robert A. Bennett - BLM State Director; David Lanning - Yates; Lisa Norton - Yates; Randy Patterson - Yates

GENE R. GEORGE & ASSOCIATES, INC.
Petroleum Geology, Engineering, Hydrogeology, Regulatory Permitting

111 West Second Street, Suite #400
Box 2775
Rock Springs, WY 82802

Phone: 307-265-9999
Fax: 307-473-7038
Web: www.gga-inc.com

April 3, 2003

Renee Dana, Team Leader
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

RE: COMMENTS FOR SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE JACK MORROW HILLS COORDINATED
ACTIVITY PLAN/DRAFT GREEN RIVER MANAGEMENT PLAN
AMENDMENT

Dear Ms. Dana:

The following comments are made on behalf of Yates Petroleum Corporation (Yates) of Artesia, New Mexico. Yates owns and operates significant federal leaseholds throughout Wyoming and appreciates the opportunity to comment on this NEPA document. Specifically, this letter addresses concerns that the socioeconomic analysis does not adequately represent the significant positive impact oil and gas development will have on the project-area economy (Sweetwater, Sublette, and Fremont Counties).

The socioeconomic analysis uses threshold levels to determine whether employment and earnings growth will have a significant impact on the project-area economy. These threshold levels are based on the maximum deviation of total employment (+4,600/-5,400 jobs) and total earnings (+/- \$35 million) from twenty-year trends in the tri-county area. Changes in employment and earnings from all alternatives are found insignificant since they do not exceed the threshold criteria. While this analysis adequately demonstrates the project-area economy will not be negatively affected by development (no major pressures will be placed on existing infrastructure, because the existing infrastructure has historically absorbed larger fluctuations), the analysis does not adequately represent the positive impact of development from the alternatives.

For example, employment in any area is influenced by a combination of national, regional, state, and local economic conditions. These superimposed trends form the actual changes in employment observed in any location. One method of assessing the components of this total trend is a shift-share analysis, which separates employment into two parts. The first (share component) is growth that would have occurred if the project-area employment grew at the average benchmark rate (average national, regional, or state rates). The second (shift component) illustrates extra or reduced growth because the project-area grew more or less rapidly than the benchmark rate. If negative, the local

OVER 30 YEARS OF PROFESSIONAL INTEGRITY

area is not competitive with the benchmark and the shift component indicates how many additional jobs must be created to reach the benchmark level. If positive, the local area has a competitive advantage and illustrates the number of jobs the area has generated above the benchmark level.

In the case of the Jack Morrow Hills project area, a shift-share analyses (enclosed) of the data provided in EIS Appendix 16 shows that when the project area is compared to national and state benchmarks, there is no local competitive advantage to annual employment during most years between 1979 and 1999. The result is similar when compared to the Rocky Mountain Region. While the area may have experienced marginal overall employment growth during any year, this growth was largely influenced by national, regional or state trends. Using a five-year average (1995-1999), the actual project-area growth was 860, 1369, and 347 jobs *below* the national, regional, and state benchmarks, respectively.

This deficient employment growth, when compared to benchmarks, illustrates an important point about the significance of project-area development. Annual employment is projected to range between 128 and 188 jobs depending on the development alternative. These jobs will *reduce* the regional employment deficiency between 9% and 14% and the state employment deficiency between 37% and 54%. This represents significant job growth. In fact, 60 jobs (the difference between maximum and minimum alternatives) is also significant job growth.

Finally, a point must be made about the portrayal of industry earnings in the EIS. The document downplays the contribution of earnings from the mining sector and the impact of earnings on overall quality of life. In all cases, earnings are evaluated in isolation without regard to earnings-per-person employed, which better portrays the impact of changes in earnings. For example, on page 3-61 the document states, "Although mining remains important in terms of earnings in this area, the industry has reported significant declines in earnings between 1979 and 1999...Other industries reporting declines in earnings between 1979 and 1999 include construction and farm services."

However, a much different picture is created if you consider earnings-per-person employed. While the earnings-per-person in the farm services and construction sectors *declined* 19% and 35%, respectively, earnings in the mining sector *increased* 27%. In addition, the mining sector averages the highest annual earnings per person employed (\$68,621 per person employed) compared to all other industry sectors (the next highest sector is transportation and public utilities at \$46,321 per person employed).

If one considers earnings a factor in quality of life, then the mining sector has historically provided the best opportunities in the project area for improvement in this qualitative measurement of wellbeing. Therefore, the jobs created by development of the project area are significant from the standpoint of maximizing earnings potential and thus maximizing the earnings contribution to quality of life.

Yates appreciates the effort by the Bureau of Land Management to protect our natural resources while balancing the Nation's demand for the development of those resources. Although the EIS adequately demonstrates that project area development will not negatively stress existing infrastructure, Yates believes the socioeconomic analysis does not adequately address the significant positive contribution of development to the local economy. This positive impact is a significant benefit and deserves appropriate weight in the evaluation of project alternatives.

Sincerely,



Steven M. Jenkins
Socioeconomic Analyst
Agent for Yates Petroleum Corporation

Enclosure

JACK MORROW HILLS EIS**SHIFT-SHARE ANALYSIS**

	PROJECT AREA					
	U.S.		REGION		WYOMING	
	SHARE	SHIFT	SHARE	SHIFT	SHARE	SHIFT
1980	374	2843	1003	2214	2203	1014
1981	453	1176	1229	400	1868	(239)
1982	(323)	(1364)	516	(2203)	(480)	(1207)
1983	631	(4574)	623	(4566)	(2147)	(1796)
1984	1919	(2888)	1970	(2939)	351	(1320)
1985	1222	(382)	737	103	158	682
1986	875	(2339)	(70)	(1394)	(2045)	581
1987	1154	(3308)	359	(2513)	(861)	(1293)
1988	1274	(649)	1436	(811)	833	(208)
1989	832	(409)	974	(551)	294	129
1990	662	580	1186	56	844	398
1991	(234)	1607	1041	332	974	399
1992	204	840	1050	(8)	483	561
1993	873	(795)	1980	(1902)	820	(742)
1994	1140	1248	2585	(197)	2080	308
1995	1240	(1338)	1568	(1866)	479	(577)
1996	1036	(665)	1930	(1560)	535	(165)
1997	1138	(1282)	1769	(1913)	482	(626)
1998	1232	(393)	1637	(798)	1018	(179)
1999	938	(622)	1224	(908)	503	(167)
5-yr. Avg:		(860)	5-yr. Avg:	(1369)	5-yr. Avg:	(347)

100,334

Jack Morrow Hills
Renee Dana
CAP Team Leader
280 Highway 191 North
Rock Springs, WY 82901

May 14, 2003

Dear Ms. Dana,

These comments are meant to reinforce the multiple use concept as it pertains to the JMH CAP SDEIS. It is more than a concept. It is the law and it was mandated by BLM Director Kathleen Clark during her visit to Rock Springs this past summer. With this in mind we are to preserve the quality of life for the people of Wyoming and to protect and preserve the tax base of the counties involved.

For the most part the preferred alternatives should be followed when the Record of Decision is written, given the great amount of time spent developing this Supplemental Draft EIS and the effort involved by the people who so ardently worked on this project. Also the money spent to try to produce the best document possible, the laws and regulations that must be adhered to, the expertise of the personnel of the BLM staff and working partners who spent countless hours and days producing the best possible scenario for managing the planning area.

The multiple use concept was foremost in thinking of the people involved. However, there is room for improvement in one instance- that being the word "development". In this Draft oil and gas activities and domestic grazing were lumped together under "development". There is a difference in the two activities as oil and gas activities encompass a resource which, once it has been extracted, is nonrenewable and at some point will come to an end. On the other hand domestic livestock grazing utilizes a renewable resource which has been sustainable for more than 100 years and will be able to continue indefinitely.

The Popo Agie Conservation District wishes to go on record as wanting to adhere to the multiple use concept as it pertains to the JMHCAP. Since the PACD represents all of the people in our district we feel that the preferred alternatives best suit the needs of our constituents and therefore urge the BLM to follow these guidelines.

Respectfully Submitted,

Popo Agie Conservation District
201 Main Street
Lander, WY 82520



Wyoming Department of Agriculture

2219 Carey Ave., Cheyenne, WY 82002 ■ Phone: 307-777-7321 ■ Fax: 307-777-6593
E-mail: wda1.state.wy.us ■ Website: wyagric.state.wy.us

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Dave Freudenthal, Governor

John Etchepare, Director

May 13, 2003

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State Planning Coordinator
Herschler Building 1st Floor East
122 W. 25th Street
Cheyenne, Wyoming 82002

Dear Lynn Simons:

Following are our comments on the Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan by the Rock Springs Field Office of the Bureau of Land Management.

Our comments are specific to WDA's mission within state government which is to assist the citizens of Wyoming to live safe and healthy lives, promote and preserve our agricultural community, be responsible stewards of our natural resources, and achieve integrity in the market place. As this proposed project affects the welfare of our citizens, our agriculture industry, and our natural resources, we believe it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns.

The Rock Springs BLM Field Office should be commended for their superb cooperation with the State of Wyoming, its counties, and its conservation districts as cooperating agencies on the preparation of this SDEIS. These state and local government officials, as representatives of their constituencies, were able to provide valuable information to the preparers of this SDEIS. The result forged a more accurate, thorough, and comprehensive plan.

We strongly support the preferred alternative.

This alternative provides for a judicious balance of multiple uses while protecting the valuable natural resources of this area. These multiple uses include livestock grazing. As noted on page 3-8, grazing allotments in this area meet the standards for healthy rangelands. These allotments reflect the success of BLM range managers and grazing permittees proactively working together to enhance natural resources in the best interests of the environment and livestock production. As an example, the SDEIS notes on page 3-9 that a number of range improvements have been constructed both for the enhancement and protection of watershed and wildlife values and for the management of domestic livestock grazing.

The preferred alternative also best meets the congressional mandates of the Federal Land Policy and Management Act of 1976. As noted on page 1-6, FLPMA provisions include:

- Establishing comprehensive rules and regulations for administering public lands statutes

Our mission is to assist the citizens of Wyoming to:

live safe and healthy ■ promote and preserve our agricultural community ■ be responsible stewards
of our natural resources ■ achieve integrity in the market place

Page 2
DEIS, Jack Morrow Hills CAP
May 13, 2003

- multiple-use management on a sustained yield basis
- protection of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values, and
- recognizing the nation's needs for domestic sources of mineral, food, timber, and fiber from public lands

The preferred alternative affords these provisions and fulfills the congressional mandates inherent in FLPMA.

Although we strongly support the preferred alternative, we would like to make the following specific comments about the SDEIS.

In the last paragraph on page 2-10, the word "reduction" should be replaced with the word "changes" and the word "shorter" with the word "changed". This paragraph deals with rangeland and riparian habitat for management actions that's common to all alternatives. As noted above, changes in management practices afford the opportunity to enhance rangelands and environmental and grazing values. BLM range managers should have the flexibility to manage these resources in the best interests of the environment and livestock production, and this may result in an agreement to reduce or increase animal unit months, or a decision to shorten or lengthen seasons. Wording in the DEIS should not restrict BLM officials and grazing permittees to an unnecessarily narrow selection of possibilities. This management flexibility should be common to all alternatives.

That flexibility is obvious in the wording for the preferred alternative for "Guidelines for Livestock Grazing Management" on page 2-71. Possible management practices are offered as methods to achieve standards. The type of appropriate action is determined through cooperation between BLM officials and livestock operators. For rangeland and riparian habitat, grazing management systems would assist in improving or maintaining the desired range condition. Approved Allotment Management Plans or their equivalent will provide the necessary guidance to achieve grazing management objectives. Livestock water developments and range improvements are considered to maintain or improve resource conditions as well as livestock distribution. The wording in the Livestock Grazing Management section of the preferred alternative reflects a flexible, proactive, collaborative approach designed to help achieve both the BLM's and the permittees' natural resources and livestock production objectives.

Regarding the wording for "Fences" for the preferred alternative, we recommend the following wording for the first paragraph: "Where documented wildlife conflicts with fencing on public lands occurs, these fences would be modified or reconstructed, or, if necessary, removed." This change is requested in recognition of the recent advances that have been made in the types of fence materials and construction. Because of these advances, fence modification or reconstruction is normally more practical and cost effective and, therefore, far more preferable than the alternative of replacing removed fencing with herding.

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DEIS, Jack Morrow Hills CAP
May 13, 2003

Again, we would like to commend the Rock Springs Field Office officials for their involvement of the public, the Tribes, and the cooperating agencies of the state, counties, and conservation districts. This involvement allowed a thoughtful analysis of the planning area and the selection of a preferred alternative that reflects a balance of uses. Selection of the preferred alternative will best benefit the wide variety of users of the Jack Morrow Hills area.

In conclusion, we appreciate the opportunity to comment on the DEIS, we encourage continued attention to our concerns and recommendations, and we look forward to hearing about the actions and decisions regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "John Etchenare", is written over the typed name and title.

John Etchenare
Director



100,336

May 7, 2003

WER 8907.03
Bureau of Land Management
Rock Springs Field Office
Supplemental Draft Environmental Impact
Statement
Jack Morrow Hills Coordinated Activity Plan/Draft
Green River Resource Management Plan
Amendment
State Identifier Number: 1998-022
Fremont, Sublette and Sweetwater Counties

Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

Dear Sir/Madam/Staff:

The staff of the Wyoming Game and Fish Department has reviewed the Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan/Draft Green River Resource Management Plan Amendment. We offer the following comments.

The Supplemental Draft Environmental Impact Statement (SDEIS) is the result of a long process initiated in 1997 and outlined in Chapter 1 of the document. The purpose of the Jack Morrow Hills Coordinated Activity Plan (JMHCAP) "is to provide a comprehensive and environmentally adequate management framework that will allow some fluid mineral and locatable mineral activities to occur in the core and other areas in harmony with other important resources and land uses in the planning area."

Wildlife resources of interest in the area include big game (portions of the Steamboat elk, Steamboat mule deer, South Wind River mule deer, Sublette pronghorn, Red Desert pronghorn and Lander moose herds), sage grouse, various raptors, mountain plover, black-footed ferret (historic/potential habitat), and various other non-game birds and mammals including pygmy rabbits and burrowing owls. Potential impacts to these species, and others, are outlined in Chapter 3 (Affected Environment) and Chapter 4 (Environmental Consequences).

We wish to especially acknowledge and applaud the Rock Spring's Field Office's leading role in securing funding for, and participating in, the Steamboat Elk Study (a.k.a. JMH Desert

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
Fax: (307) 777-4610 Web Site: <http://gf.state.wy.us>

Sir/Madam/Staff
May 7, 2003
Page 2 – WER 8907.03

Elk Study) being conducted by the University of Wyoming's Cooperative Wildlife Research Unit in cooperation with our Department and the Rocky Mountain Elk Foundation. Preliminary results of this research effort were used in the analysis of impacts of the JMHCAP.

Local Department personnel participated in the cooperating agency process and were therefore involved in the development of the alternatives. This participation does not mean a consensus was reached regarding all issues, hence the following comments. However, with some significant exceptions (listed below), we believe the preferred alternative can meet the goals and objectives described in the plan.

Specific areas of concern:

- 1 The Preliminary Adaptive Management Implementation Strategy (Appendix 17) must be clarified and rigorously pursued. While we conceptually support the Adaptive Management strategy, we are concerned that the document does not make clear how the process will be funded or staffed. Without these key elements, the strategy will not succeed. We are also skeptical of the integrity of the process under political and/or economic pressure. Our support the Preferred Alternative is based on assurances that the Adaptive Management process will be followed faithfully.
- 2 Section 3.1.6.2.2, Affected Environment: Greater Sage Grouse. The entire issue of how sage grouse are to be managed within the preferred alternative should be reexamined. While Section 3.1.6.2.2 adequately summarizes the current situation for sage grouse, the preferred alternative fails to change the status quo of management actions which have contributed to the tenuous position sage grouse now occupy. In addition, Section 4.4.6.6 of Chapter 4 – Environmental Consequences over-simplifies and under-estimates the impacts. The BLM should expand the analysis of this issue. While we certainly do not believe the available data indicate sage grouse qualify for listing under the Endangered Species Act, the long-term population trends throughout the birds range and within the JMHCAP planning area suggest the need for a change in management direction to avoid the potential of the birds becoming listed.

In a recently concluded data gathering effort, preliminary results demonstrate that the population of sage grouse in a large portion of the JMHCAP and surrounding area has declined significantly over the last 50 years. In his book, *The Sage Grouse in Wyoming*, Robert L. Patterson (1952) reported counting 42 leks and observing 3,118 males in 1949 (average 74/lek). An intensive survey of Patterson's study area in 2003 included searching for unknown leks, counting known leks at least three times, and visiting inactive lek sites to confirm status. During this effort, 40 of Patterson's 42 leks were confirmed to be inactive. Seven leks not identified by Patterson have since been documented. The 9 total active leks were occupied by a peak count of 318 males (average 35/lek) in 2003. Where the JMHCAP and Patterson's study areas overlap, Patterson documented 6 active leks with a count of 673 male sage grouse (average 112/lek) in 1949. The 2003 survey resulted in 4 leks with a count of 149 male sage

Sir/Madam/Staff
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grouse (average 37/lek). As the SDEIS states, the decline can be attributed to multiple factors. In light of this decline and the rangewide concern for sage grouse, we request the BLM consider the following comments specific to sage grouse:

- a Leks: We recommend the ¼ mile CSU currently in the preferred alternative be changed to ½ mile. Activities up to ½ mile of lek sites are usually within sight and sound of leks and are likely disruptive to breeding activity. The document states in Table 2-2 (p. 2-167) that the ¼ mile restriction only impacts 3,530 acres (6/10 of 1 percent) of the 574,800 acre planning area. Increasing the protective restriction to ½ mile, or implementing the Alternative 3 approach, would still not be a large proportion of the area. To mitigate this increased level of protection for active sage grouse leks, we recommend those leks that have now been documented to be inactive (for a period of 10 years or more) be removed from the maps. There are several of these leks and we would be willing to meet with the BLM staff to identify these locations and have them removed from the lists and maps.
 - b Nesting Habitat: The document states in Section 3.1.6.2.2 that most successful sage grouse nests are located beyond 2 miles from lek sites. If this is the case, there are no protections provided for sage grouse in what may be the best nesting habitat. Ideally, the protections would be based on mapping of suitable habitat rather than the more simplistic distance radius which has been the status quo for years. The radius approach leaves out good nesting habitat and includes what may not be nesting habitat. The current approach allows for exceptions to the 2-mile stipulation if nesting does not occur. However, there are no provisions to allow stipulations where nesting occurs outside the 2-mile radius. This is not a balanced approach.
 - c In Table 2-1 on page 2-116, there appears to be an inconsistency for the dates of seasonal stipulations for sage grouse. In one location, it states the dates are February 1-July 31 and in another February 1-June 30. The June 30 date would be acceptable if the above request for protections outside the 2-mile radius were enacted.
 - d Winter Concentration Areas: These areas appear to be defined by points rather than an area. This approach is not biologically sound. Sage grouse winter ranges are not point specific, as with lek sites. Rather, the birds move through the range similar to big game, utilizing resources as conditions (snow depth) allow. We recommend the maps, analysis, and management alternatives reflect sage grouse winter range areas rather than specific observation points.
- 3 We are unclear how the proposed monitoring plan (Appendix 9) relates to the adaptive management process (Appendix 17). It would seem the monitoring plan should be part of the adaptive management process, yet the elements being monitored in the monitoring plan do not necessarily correspond with the "Resource Indicators" of the adaptive

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management process. For example, the monitoring plan does not include sage grouse, while the adaptive management process does. We recommend these sections be clarified in that regard. We also recommend sage grouse presence/absence/relative abundance be included in the monitoring plan.

It is our understanding that previous gas field development EIS documents have included monitoring plans. With the increasing emphasis on field development in Wyoming, it may be timely to look at the results of these monitoring plans and utilize the findings or alter monitoring techniques to fill data gaps. We believe this ongoing monitoring may be key to the development of a workable adaptive management plan.

- 4 We support Alternative 2 in terms of defining the Steamboat Mountain ACEC boundaries, due to the importance of this area to birthing and wintering elk and mule deer as well as the location of the rare basin big sagebrush/lemon scurfpea vegetation type. During cooperator meetings, our Department proposed a 23,000-acre area on the top and flanks of Steamboat Mountain be protected through an NSO stipulation. This area included many overlapping sensitive resources (sensitive plants, steep slopes, visuals, elk calving, mule deer fawning, elk crucial winter). We continue to support this proposal.
- 5 Table 3-20, Estimated Annual Average Hunting Days. The estimates for pronghorn hunting in Area 92 and mule deer in Area 131 are too low, based on both animal and hunter distribution. We estimate the JMH portion of these hunt areas support 70 percent of the pronghorn hunting in Area 92 and at least 60 percent of the mule deer hunting in Area 131. The 58 percent (pronghorn) and 22 percent (mule deer) were apparently estimated by area rather than animal/hunter density estimates. These errors affect the economic analysis as well.

Finally, we would like to emphasize our support for the following statements or management actions as outlined in the preferred alternative:

- 1) We strongly support the concept of transportation planning in general and development of specific travel management plans. Throughout our involvement as a cooperator in the development of alternatives, we repeatedly stated that there are few impacts to big game from gas/oil wells by themselves, rather it is human activity on road systems that cause the negative impacts.
- 2) If liquid minerals are to be developed, we support the phased approach for the reasons outlined throughout the document.
- 3) Section 4.4.6, Impacts on Wildlife. We concur with the statement that, "any loss of habitat function or habitat value would also indicate significant impacts to wildlife. Long-term displacement of elk or deer from crucial habitat or birthing areas within the planning area would be considered significant." Significance of impact should not be based on population levels alone. The assumption that animals can simply move away

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May 7, 2003
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from disturbance into undisturbed areas is incorrect. Animals choose the best available habitat, given the local conditions. If animals are forced to relocate, they are either crowding into other animals habitat or attempting to occupy lower quality habitat. The argument that elk populations have grown in spite of oil and gas development being in the project area for decades is invalid. While elk numbers have grown in areas where well/road densities are low (or non-existent), research conducted in the area by the University of Wyoming has demonstrated elk avoid areas where well/road densities are high (e.g., Nitchie Gulch). Elk numbers have grown because most of the planning area does not (yet) have high densities of wells/roads.

- 4) We strongly support the preferred alternative in regards to managing wild horse numbers at current appropriate management levels (AML) and within the currently defined boundaries.

Sincerely,



BILL WICKERS
DEPUTY DIRECTOR

BW:VS:as

Literature Cited

Patterson, Robert L. 1952. The Sage Grouse in Wyoming. Sage Books, Inc., Denver, CO. 341p.

Office of State Lands and Investments
Funding Wyoming Public Education

100,338

122 West 25th Street
Cheyenne, WY 82002
Phone: (307) 777-7331
Fax: (307) 777-5400
sifmail@state.wy.us



Dave Freudenthal
Governor

Lynne Boongaarden
Director

May 12, 2003

Office of Federal Land Policy
Herschler Building, 1W
122 West 25th Street
Cheyenne, Wyoming 82002

**Re: OFLP Project Number 1998-022
Jack Morrow Hills Coordinated Activity Plan
Supplemental Draft Environmental Impact Statement**

Dear Sir/Madam/Staff:

The staff of the Office of State Lands and Investments has reviewed the subject Supplemental Draft Environmental Impact Statement and offer the following comments relative to the proposed action.

Our review of the SDEIS, as to any alternative other than the "no action" alternative, demonstrates the problem we constantly face with interspersed State land ownership, especially minerals, within greater areas effectively controlled by the plans for dominant federal lands. The collective affect of the described use prescriptions and restrictions make it very hard, if not impossible, to responsibly manage State Trust lands for income generation for our beneficiaries, as prescribed by our Trust obligation. Congress granted the State of Wyoming certain lands upon admission into the Union, in surface and mineral, for the benefit of Wyoming institutions, principally the common schools. In short, these lands were intentionally granted and accepted for the specific purpose of income production. However, as is evident from the Jack Morrow Hills situation, the rights to manage these lands for income producing purposes has been restricted, confined and subsequently diminished by virtue of juxtaposition to federal lands managed for multiple use.

There are 37,440 State-owned mineral acres within the Jack Morrow Hills area, of which 7,720 acres are under federal surface. Although we may be considered "small players" with only six percent of the total acreage, the decisions represented to cover only BLM surface, with the caveat that "surface management decisions may have some affect on the ability to manage the

Office of Federal Land Policy
May 9, 2003
Page 2

non-federally owned minerals, the CAP decisions will not pertain to the non-federal mineral estate. At the same time, surface and minerals management actions and development activities anticipated in these areas will be taken into account for purposes of cumulative impact analysis in the CAP," tends to severely diminish our potential to garner more than grazing income from these properties. The SDEIS goes on to state: "The CAP will not include any management decisions for areas where the land surface and minerals are both privately owned or owned by the State of Wyoming." This statement seems to directly contradict the previous statement noted, and has little practical relevance where as here mineral lessees cannot independently access land-locked State minerals in the area where the EIS is to be effective.

Chapter 2, Table 2-1 indicates access will be guaranteed under the FLPMA guidelines, and indicates the conditions surrounding the potential for access, but there is no assurance, outside this tabular rendition, regarding that guarantee. Past experience has demonstrated that no such guarantee exists. State lessees are subjected to rigorous federal standards for road construction, site development, and all wildlife, endangered specie candidate and cultural requirements. When federal lands surrounding the State parcel are large by comparison, require development to be held, provide the potential to drain other non-accessible or highly problematically accessible properties, and require significant dollars to be spent in preparation to develop, the incentive to drill State lands is significantly diminished, to say the very least.

The "adaptive management" approach only compounds the already existing problem for State land mineral access under federal lands and for accessing State lands land-locked by federal lands. This approach inherently calls for controlled rates of development dependent on the interpretation of monitoring data by BLM at almost any challengeable juncture in the federal development or surface access arena. It will employ an enormous amount of manpower at all levels and the development of minerals, one of the keys to this State's income base, is diminished and stands to be further diminished by increasing deference to federal multiple use/mandates. If the State's acreage, much of which is currently under five year oil and gas leases, goes essentially undeveloped because of the cumulative impacts of measured parameters under an adaptive management concept, with attendant costs, the next time these tracts are offered at auction, it is extremely likely that the State will not receive a bid for its properties. All of the leases in this area will be expiring between the end of 2003 and sometime in 2004-2006. If these tracts are not leased at auction, the State will lose the bonus (approximately \$1/acre or \$40,000) and the yearly rental for the next 5 years (approximately \$200,000 at a minimum). Additionally, from the standpoint of development potential, which exists principally for natural gas/gas liquids, the forgone royalty dollars over time will be staggering. The federal government will of course also lose such royalty revenue potential, and this too, will affect the State's budget. If the State is forced to succumb to the ramifications of the SDEIS and its current adaptive management scenario, the State will suffer great losses at the Trust level and the federal income distribution from this area as it relates to mineral development.

Office of Federal Land Policy
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Page 3

All staff reviews expressed major concern relative to the precedent-setting potential of the adaptive management concept, not only for this EIS but others in the future as well as those in progress. The lands owned by the State were given to the State specifically to generate income for the benefit of the common schools and other public institutions. When the ability to do so is severely hampered, as will be the case in this instance and possibly others, by the same government granting those lands, it would appear that compensatory offset should occur to the benefit of the State.

If we approach this circumstance strictly from the Trust perspective, wherein our responsibility is to maximize the State's assets and resources to enhance the trust for the State's beneficiaries, our options are not only limited, but yet to be explored. For instance one option could be for the federal government to issue a ratification statement indicating that the State has the right to develop its lands through totally unfettered access, subject to appropriate "best practices" mineral/surface management interface, such as roadways, well reclamation and vegetation restoration. Another option would address the cumulative affect of EIS requirements in that the State should be allowed to be involved in at least a surface acreage to surface acreage percentile of total and ongoing development at any time in the process. In other words, if we do not have a minimum of six percent of the rigs running in the area on State land, and at least six percent of the production issuing from State land, then adjustments to what can be done on federal land should be made. In reality, we would be receiving no less than six percent of the value of all mineral development in the EIS area, with the federal government either deferring to our development needs, or providing us a full six percent of the value of the production on federal lands, adjusted proportionately for the whole of development, this amount being in addition to our fifty percent share in federal minerals. And yet another option would be to assess those lands conflicted (State acres embraced within EIS-restricted areas) and find comparable trades with the federal government for developable land, such exchanges being potentially balanced or augmented by cash or other valuable interests and/or developable lands.

We appreciate this opportunity to comment and look forward to an opportunity to discuss state land perspectives in more detail during the analysis of this project.

Very truly yours,


Lynne Boemgaarden
Director

LB:HK:sc



The State
of Wyoming

100,339



Dave Freudenthal, Governor

Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6927	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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MEMORANDUM

TO: Julie Kozlowski, Assistant Director, Office of Federal Land Policy

FROM: John V. Corra, Director, Department of Environmental Quality *JVC*

DATE: May 7, 2003

Please find our attached comments on the Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan (1998-022) in Sweetwater, Fremont, and Sublette Counties, Wyoming.

JVC/JML/bb/3-0519.ltr

Attachment



The State
of Wyoming

Department of Environmental Quality

Dave Freudenthal, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMIN/OUTREACH (307)777-7758 FAX 777-3610	ABANDONED MINES (307)777-6145 FAX 777-6462	AIR QUALITY (307)777-7391 FAX 777-5616	INDUSTRIAL SITING (307)777-7369 FAX 777-6937	LAND QUALITY (307)777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307)777-7752 FAX 777-5973	WATER QUALITY (307)777-7781 FAX 777-5973
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May 7, 2003

Renee Dana, Team Leader
BLM Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

RE: Response to the Supplemental Draft Environmental Impact Statement for the Jack Morrow Hills Coordinated Activity Plan

Dear Ms. Dana:

These comments regarding the Supplemental Draft Environmental Impact Statement (DEIS) for the Jack Morrow Hills (JMH) Coordinated Activity Plan (CAP) in Sweetwater, Fremont, and Sublette Counties are specific to this agency's statutory mission within State government which is protection of public health and the environment. In that regard these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.

Thank you for the opportunity to comment on the JMH CAP.

The Department of Environmental Quality (DEQ) Water Quality Division (WQD) would like to provide the Bureau of Land Management (BLM) with any information concerning water quality that may aid in the CAP development process. The discharge and handling of produced water from the oil and gas industry is a specific concern of the Department. This concern is based on the large potential for oil and gas development in the area. The DEQ and it's staff would like to assist the BLM in assessing water resource concerns and developing mitigative measures as needed.

The DEQ would like to see a cooperative management group formed to oversee CBM development in the Rock Springs Field Office Area. Direct planning and management of CBM development is needed to ensure the needs of both the environment and CBM

These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

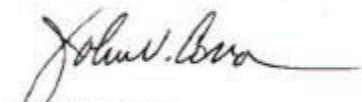
Ms. Dana
May 7, 2003
Page 2

industry are met. Specific requirements are needed to allow CBM development to take place at a consistent rate while protecting the many interests in the area. The formation of such a management group is needed for the State of Wyoming to protect it's natural resources and allow effective economic growth.

The DEQ WQD would like to see Alternative 3 implemented for the JMH CAP. This alternative provides the greatest protection of water quality by limiting the potential sources of contamination.

We appreciate the opportunity to comment in this process and look forward to working with you in the future. If you have any questions, please feel free to contact Jeremy Lyon at 307-777-7588.

Sincerely,



John V. Corra
Director
Department of Environmental Quality

JC/JML/bb/3-0519.ltr

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These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

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Office of Federal Land Policy

122 West 25th Street • Herschler Bldg., 1 West • Cheyenne, WY 82002-0600 • 307-777-8913 • 307-777-3524 fax

TO: Don Christianson, Department of Agriculture
Chace Tavelli, State Engineer
Dennis Hemmer, DEQ
Tim Stark, Department of Transportation
Tom Collins, Game & Fish
Lance Cook, Geological Survey
Richard Currit, SHPO
Don Likwartz, Oil & Gas Commission
Dr. Jim Logan, WLSB

Susan Child, State Lands & Investments
Lisa Lindemann, WBC - MET
Sublette County Commissioners
Sublette County Conservation District
Pope Agie Conservation District
Sweetwater County Conservation District
Patti Smith, Senator Thomas' Office
Bonnie Cannon, Representative Cubie's Office
Lyn Shanaghy, Senator Enzi's Office

PROJECT: Jack Morrow Hills Coordinated Activity Plan

LEAD AGENCY: BLM, Rock Springs Field Office

OFLP PROJECT ID#: 1998-022

DATE OF REFERRAL: February 19, 2003

TYPE OF ACTION: Supplemental Draft Environmental Impact Statement

The enclosed document has been submitted to the Office of Federal Land Policy for Wyoming State Clearinghouse review as provided for in the National Environmental Policy Act of 1969 and the Office of Management and Budget Circular A-95. We would appreciate your review and comments on this project. All comments should be transmitted to the Office of Federal Land Policy by:

Wednesday, May 7, 2003

If an extension is necessary, please inform this Office. Federal Land Policy will assume the responsibility of providing comments to the Governor for his review, and of responding to the federal agency by their deadline of May 21, 2003. Please refer to the OFLP Project ID# in all future correspondence.

Please indicate one of the following and return to the Office of Federal Land Policy within the review period.

NO COMMENT _____ COMMENTS ATTACHED ☒ _____

Wyoming State Clearinghouse
Office of Federal Land Policy
Herschler Building, 1 West
Cheyenne, WY 82002-0600
(307) 777-8913 voice
(307) 777-3524 fax

WYOMING STATE GEOLOGICAL SURVEY

FEB 21 2003



WYOMING STATE GEOLOGICAL SURVEY

P.O. BOX 3008 • LARAMIE, WYOMING 82071-3008

307/766-2286 • FAX 307/766-2605

E-MAIL: wsgs@uwyo.edu • WEB: wsgsweb.uwyo.edu

STATE GEOLOGIST - Lance Cook

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OIL AND GAS

Rodney H. De Bruin

PUBLICATIONS

Richard W. Joser

May 2, 2003

MEMORANDUM

TO: Lynn Simons
State Planning Coordinator

FROM: Lance Cook, P.G., State Geologist

SUBJECT: Jack Morrow Hills Coordinated Activity Plan
(State Identifier # 1998-022)

These comments regarding the Jack Morrow Hills Coordinated Activity Plan are specific to this agency's statutory mission within State government, which is to promote the beneficial and environmentally sound use of the State's resources while helping to protect the public from geologic hazards. In that regard these comments are meant to assist in defining the State position in association with all other agency comments. These comments defer to and are subordinate to the State position.

The Adaptive Management Plan, as proposed in Appendix 17, is an attempt by the BLM to continue to defer decisions regarding land use in the Jack Morrow Hills Area. "Adaptive Management" is the NEPA process that never ends. Mineral extraction activities require certainty, in particular for land access, and the Adaptive Management plan delivers no certainty. This proposal will strongly discourage capital investment necessary for exploration and development.

Petroleum operators will never know, should they drill an exploratory well and make a discovery, whether or when they can access their land or adjacent lands for development. With the degree of uncertainty provided by ongoing NEPA analysis, operators will not be able to perform reliable economic analysis that is necessary for development. Without the conditions necessary for development, there will be little or no exploratory activity.

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There are over 51,000 acres of State Land Trust lands within the Jack Morrow Hills area. There will be a potential loss to the State Land Trust due to the loss of future petroleum development. The State Land Trust share of the Jack Morrow Hills petroleum resource base is approximately 320 BCF of gas and 19,000 Barrels of Oil. At current severance and royalty rates, the loss to the State Land Trust from State Lands will be \$183 million under normal pricing scenarios.

The loss to the State of Wyoming and affected Counties due to unrealized tax revenues, not including sales and use taxes and multipliers from associated economic activity, could be greater than \$1.8 billion. Our opinion is that the implementation of the Adaptive Management Plan will have severe negative impacts on the State revenue that could otherwise be realized from this area.

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